

# EXHIBIT A

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

----- X  
CATHERINE ALEXANDER, :  
Plaintiff, :  
v. :  
TAKE-TWO INTERACTIVE SOFTWARE, : Cause No.  
INC., 2K GAMES, INC., 2K : 3:18-CV-0966-SMY  
SPORTS, INC., WORLD WRESTLING :  
ENTERTAINMENT, INC., and :  
VISUAL CONCEPTS ENTERTAINMENT, :  
Defendants. :  
----- X

Zoom Video Deposition of

EDWARD M. KIANG

Tuesday, August 4, 2020

9:04 a.m. CST to 12:24 p.m. CST

Job No.: 311575

Pages: 1 - 122

Reported by: Melody Stephenson

BBA, FCRR, CRR, CRC, RPR, RSA, MO CCR #406

Transcript of Edward M. Kiang  
Conducted on August 4, 2020

49

1	pay-per-view posters. But, again, trying to keep	09:59:20
2	it consistent with the overall theme of -- of how	09:59:23
3	we present our brand in our core products.	09:59:27
4	Q Okay. Thank you.	09:59:29
5	Let's just -- let's just talk about the	09:59:30
6	WWE 2 comes -- 2K Games, okay, and the WWE	09:59:35
7	approval process. So in conducting the approval	09:59:36
8	processes for IP elements in the WWE 2K Games, was	09:59:39
9	the WWE looking for realism?	09:59:52
10	A I don't know that -- so realism isn't	09:59:52
11	really a criteria for us. It's -- it is -- you	09:59:56
12	know, again, we -- we just try to ensure that	09:59:59
13	it -- it looks consistent with how we represent	10:00:01
14	the talent in our shows.	10:00:05
15	Q And when you say "shows" --	10:00:05
16	A Realism is more of a function of, you	10:00:14
17	know, how good the technology is for any	10:00:14
18	particular year.	10:00:16
19	Q Sure. Sure. But when you say "how your	10:00:17
20	talent looks in the shows," are you referring to	10:00:23
21	the television programming?	10:00:24
22	A Correct, and pay per views.	10:00:26
23	Q Okay. So is one of the goals that WWE is	10:00:28
24	trying to achieve in its approval process	10:00:35
25	attempting to achieve an accurate representation	10:00:39

Transcript of Edward M. Kiang  
Conducted on August 4, 2020

50

1	in comparison with the television programming? Is	10:00:44
2	that right?	10:00:44
3	MR. KRASIK: Objection. Misstates his	10:00:44
4	testimony.	10:00:44
5	MR. SIMMONS: Objection. Mischaracterizes	10:00:51
6	the witness's testimony.	10:00:54
7	A With respect to these games, I think one	10:00:56
8	of the goals is -- is to try to, again, give --	10:00:58
9	give the fans an authentic WWE experience that	10:01:03
10	represents what they're familiar with seeing in	10:01:07
11	our TV programming.	10:01:09
12	Q (By Mr. Friedman) Okay. So -- so --	
13	A Ultimately, it still needs to be fun,	
14	though. I mean, it's -- it's a game. You know,	
15	we're -- we're -- we're not trying to create or	
16	you're not making a TV show. You're playing a	
17	game.	10:01:20
18	Q Sure. So it -- it's accurate to say,	10:01:20
19	though, that the WWE wanted the -- the video game	10:01:23
20	characters to look like they looked on television,	10:01:28
21	isn't that right?	10:01:30
22	A Yeah. I mean, at -- at the end of the	10:01:34
23	day, I think, you know, 2- -- 2K will submit a --	10:01:36
24	at least -- again, with respect to these games,	10:01:39
25	2- -- 2K will submit models looking like what they	10:01:43

Transcript of Edward M. Kiang  
Conducted on August 4, 2020

51

1 want them to look like and -- and, you know, based 10:01:47  
2 off of the art style and direction they're going 10:01:49  
3 for, we try to look for, you know, whether or not 10:01:51  
4 there are any inaccuracies with respect to how 10:01:53  
5 they portray the talent. But -- but, you know, 10:01:56  
6 I -- I wouldn't say that -- WWE does not art 10:01:58  
7 direct 2K. 2K decides what product they want to 10:02:01  
8 produce, how it should look, and we provide them 10:02:06  
9 guidance if we feel like it's incorrect in some 10:02:09  
10 manner. 10:02:12

11 Q Okay. And I think you touched upon this 10:02:12  
12 before, but does that approval process for talent 10:02:16  
13 models include reviewing the character's body 10:02:21  
14 type? 10:02:24

15 A That's correct. It could be -- it can be 10:02:26  
16 inclusive of that. 10:02:27

17 Q Okay. So -- so is it -- so the WWE was 10:02:29  
18 looking to make sure that its talent models' 10:02:34  
19 bodies look like they look on television, is that 10:02:37  
20 right? 10:02:41

21 A Yeah. So that they look the way that we 10:02:41  
22 would want them portrayed in our programming -- 10:02:44

23 Q Okay. 10:02:44

24 A -- and in our other marketing collaterals. 10:02:46

25 Q So -- all right. If, for instance, 10:02:49

Transcript of Edward M. Kiang  
Conducted on August 4, 2020

52

1	Take-Two had presented to WWE a talent model with	10:02:53
2	a body type that was much different than how that	10:02:58
3	talent model appeared on television, what would	10:03:03
4	WWE do?	10:03:07
5	MR. KRASIK: Objection. Form.	10:03:09
6	Go ahead and answer if you can.	10:03:11
7	A We -- we would probably have some	10:03:13
8	questions with the team. You know, again, it	10:03:15
9	depends -- if we're talking specifically for this	10:03:18
10	product, we would tell them that it probably	10:03:21
11	looked inaccurate and would want to understand	10:03:24
12	their rationale for why they do that.	10:03:26
13	There could be instances where, you know,	10:03:29
14	and -- and for certain games, there are story	10:03:31
15	modes where maybe it goes in a different	10:03:34
16	direction. You know, for example, I don't believe	10:03:36
17	it was in one of the games in this round, but	10:03:38
18	it -- in one of our more recent games, the story	10:03:41
19	line went into the future and someone had a bionic	10:03:44
20	arm.	10:03:48
21	You know, so that -- that's a conversation	10:03:48
22	of understanding, okay, well, this is not past	10:03:49
23	brand assurance, but in the context of the story	10:03:52
24	you're trying to create, we'll allow this.	10:03:54
25	Q (By Mr. Friedman) Okay. I think you used	10:03:57

Transcript of Edward M. Kiang  
Conducted on August 4, 2020

53

1	the phrase "accurate representation" earlier. So	10:03:58
2	let's try and understand what -- what would WWE do	10:04:05
3	in the event that it received from Take-Two or 2K	10:04:07
4	a talent model product that was under review that	10:04:11
5	was not an accurate representation in WWE's view?	10:04:17
6	MR. KRASIK: Objection. Mischaracterizes	10:04:23
7	prior testimony. It involves a hypothetical to a	10:04:25
8	fact witness.	10:04:31
9	A If we received a submission that looked	10:04:31
10	inaccurate, we would -- again, assuming that we	10:04:34
11	noticed it, we would flag it for comment and --	10:04:36
12	and -- and have to make an adjustment.	10:04:45
13	Q (By Mr. Friedman) Okay. Would WWE	10:04:47
14	approve a submission for the video games that was	10:04:49
15	not in WWE's view an accurate representation?	10:04:52
16	MR. KRASIK: Objection. Calls for	10:04:58
17	speculation.	10:05:00
18	A Again, without knowing if there were	10:05:02
19	particular context or why they might make that	10:05:06
20	change, it's hard to say.	10:05:10
21	Q (By Mr. Friedman) Okay. All right. Are	10:05:11
22	you familiar with Andre the Giant?	10:05:18
23	A I am.	10:05:21
24	Q Okay. And Andre the Giant is a very tall	10:05:22
25	man, right?	10:05:27

Transcript of Edward M. Kiang  
Conducted on August 4, 2020

54

1	A That's correct.	10:05:28
2	Q Do you know how tall he was?	10:05:29
3	A I -- I do not.	10:05:33
4	MR. KRASIK: That's a closely guarded	10:05:34
5	secret.	10:05:37
6	Q (By Mr. Friedman) Now, An- -- Andre the	10:05:39
7	Giant has been a featured wrestler in the WWE 2K	10:05:40
8	Games, is that right?	10:05:47
9	A He has been featured in the game, yes.	10:05:47
10	Q Okay. As one of the main WWE wrestlers	10:05:51
11	in -- in the roster of the video games, right?	10:05:53
12	A That is correct.	10:05:59
13	Q Let's use a specific example. If Take-Two	10:06:00
14	had submitted a talent model of Andre the Giant	10:06:03
15	that appeared to be about 4 feet tall, what would	10:06:08
16	the WWE --	10:06:14
17	MR. SIMMONS: Objection. Incomplete	10:06:20
18	hypothetical.	10:06:21
19	A Yeah. We would flag it saying that does	10:06:24
20	not look like an accurate -- you know, or An- --	10:06:26
21	Andre the giant looks too small.	10:06:29
22	Q (By Mr. Friedman) Okay.	10:06:29
23	A Understand why you would try to do that.	10:06:35
24	Q And let's assume that the WWE would not	10:06:37
25	consider a 4-foot tall Andre the Giant to be an	10:06:41



Transcript of Edward M. Kiang  
Conducted on August 4, 2020

55

1	accurate representation of the WWE intellectual	10:06:44
2	property. Is that fair to assume?	10:06:47
3	A Yes. Without context, we would -- we	10:06:50
4	would probably reject that.	10:06:54
5	Q Okay. All right. That -- that was going	10:06:55
6	to be my next question.	10:06:56
7	So but the WWE obviously has the right to	10:06:58
8	not approve or reject content that it finds in its	10:07:02
9	opinion is not an accurate representation, is that	10:07:06
10	right?	10:07:10
11	A If we feel that it does not properly	10:07:10
12	reflect the brand.	10:07:14
13	Q Okay. And in those instances, WWE has the	10:07:17
14	decision to make whether to approve or not approve	10:07:20
15	a particular talent model or other submission,	10:07:23
16	right?	10:07:27
17	A That is correct.	10:07:29
18	Q Why is it that the WWE might withhold	10:07:30
19	approval from something that is not an accurate	10:07:38
20	representation of WWE intellectual property?	10:07:41
21	A Well, it -- we feel like it wouldn't	10:07:45
22	depict the brand in -- in the proper light in	10:07:49
23	terms of, you know, providing a -- a, you know,	10:07:51
24	WWE experience to our fans.	10:07:56
25	Q All right. You mentioned not depicting	10:08:01

Transcript of Edward M. Kiang  
Conducted on August 4, 2020

70

1	model that lacked any tattoos?	10:38:58
2	MR. KRASIK: Tony, you muffled on a word	10:39:01
3	in your question. Would you mind restating it	10:39:04
4	please?	10:39:07
5	MR. FRIEDMAN: Sure.	10:39:09
6	Q (By Mr. Friedman) Why is it that WWE	10:39:09
7	would not have approved an Orton talent model that	10:39:10
8	lacked any tattoos?	10:39:14
9	A Because it would not have been an -- a	10:39:21
10	accurate depiction of Randy Orton the person.	10:39:23
11	Q Why is it that the WWE would have rejected	10:39:29
12	a Randy Orton talent model that had tattoos that	10:39:31
13	were different from the tattoos that Randy Orton	10:39:35
14	has in real life?	10:39:37
15	A Again, it -- it would not be an accurate	10:39:42
16	depiction of Randy Orton.	10:39:45
17	Q Okay. Thank you.	10:39:47
18	And similarly, why is it that the WWE	10:39:49
19	would have rejected a Randy Orton talent model in	10:39:52
20	which the character's tattoos were blurred out?	10:39:55
21	A It would not have been an accurate	10:40:01
22	depiction of Randy Orton as he appears in our	10:40:04
23	program.	10:40:07
24	Q Okay. So was it important to the WWE that	10:40:07
25	the Randy Orton talent model be realistic?	10:40:09

Transcript of Edward M. Kiang  
Conducted on August 4, 2020

71

1           A   Again, I think realistic is a little  
2   subjective. For us, it's -- it -- you know, we  
3   want to maintain that there's a -- a level of  
4   accuracy to the brand. Inclusive of that could be  
5   Randy Orton's tattoos on Randy Orton's body.

6           Q   Okay. And that was an important  
7   consideration for the WWE, is that right?

8           A   I wouldn't -- I wouldn't characterize it  
9   as saying that his tattoos are an important  
10   decision within our approval process, but it  
11   would, you know, wholistically, it would be  
12   something that would be noticed.

13          Q   Okay. But the tattoos on Randy Orton were  
14   important enough that without accurate  
15   representation of the tattoos, the Orton talent  
16   model would not have been approved, isn't that  
17   right?

18          A   Presumably. Again, it -- it's hard --  
19   it's hard to speculate unless we know the  
20   difference that we're talking about. Some things  
21   might go unnoticed depending on the resolution  
22   and -- and type of change but --

23          Q   In order to approve the Randy Orton talent  
24   model, does -- did the WWE need to make a  
25   determination that his tattoos were an accurate

Transcript of Edward M. Kiang  
Conducted on August 4, 2020

74

1 made available for the scans. 10:44:13

2 Q Okay. All right. Is it the case that in 10:44:17  
3 order to create an accurate representation of 10:44:24  
4 Mr. Orton's tattoos, those tattoos need to be 10:44:30  
5 copied onto the Randy Orton talent model? 10:44:34

6 A I'm not sure what you mean by "copied." 10:44:43  
7 I -- I -- you know, so they -- they -- they take 10:44:48  
8 reference photos, and they, I guess, apply that 10:44:49  
9 towards the model. 10:44:52

10 Q Okay. 10:44:54

11 A I -- I'm not certain the technical way, 10:44:55  
12 if -- if that then gets hand drawn, if that's 10:44:58  
13 scanned with a computer or, you know, from -- from 10:45:01  
14 that I couldn't tell you. I -- I know that they 10:45:03  
15 take scans and -- and then they submit models for 10:45:05  
16 us to review. 10:45:08

17 Q Okay. Understood. Thank you. 10:45:10

18 Mr. Kiang, do you think that WWE fans 10:45:18  
19 recognize their favorite wrestlers? 10:45:25

20 MR. KRASIK: Objection. Calls for 10:45:27  
21 speculation. Outside the scope of the 30(b)(6) 10:45:29  
22 notice. 10:45:32

23 A I -- I -- I believe it's fair to say that 10:45:32  
24 fans would recognize who their favorite talents 10:45:34  
25 are. 10:45:37